

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 6, and 8-9 are rejected under 35 U.S.C. 102(a) as being anticipated by Rashkovskiy (US 6,616,533 B1).

With respect to claim 1, Rashkovskiy teaches an advertising system having a game playback device that provides a game screen in a display section of a user terminal (See Fig. 1), comprising:

- an image control device for controlling said game playback device so that said game playback device employs an advertising image that is an image for advertising a product or a service, as a character image used in said game screen (Col. 2, lines 8-12, where game elements are used as advertisements. See also Col. 5, lines 15-16, where an active image element may be used, such as a character image).

With respect to claim 2, Rashkovskiy further teaches:

- a playback control device that controls said game playback device so as to include an order detection device that detects said product or said service displayed in said game screen as said character image (Col. 2, lines 27-30, where clicking on an item enables the user to purchase the item); and

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- an order information receiving device that receives order information related to the order of said product or said service detected by said order detection device (Col. 2, lines 27-30).

With respect to claim 6, Rashovskiy further teaches an image enlargement device that enlarges said advertising image and displays it on said display section (Col. 3, lines 7-9, where the advertisement is enlarged once the game is paused).

With respect to claim 8, see the rejection with respect to claim 1.

With respect to claim 9, see the rejection with respect to claim 1.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rashkovskiy, as applied to claims 1, 2, 6 and 8-9 above, and Spaur et al. (US 6,196,920 B1), hereinafter Spaur.

With respect to claim 3, Rashovskiy teaches the advertising system according to claim 1. Rashovskiy does not teach an advertising database. Spaur teaches:

- an advertising image information database that stores advertising image information, which is information related to said product or said service including advertising image data which are electronic data of said advertising image (Col. 1-2, lines 67-3); and

- an advertising image selection device that selects said advertising image having a better advertising effectiveness from said advertising image database (Col 4, lines 3-7, where advertising is dynamically applied to each user's session), according to one or a plurality of information from among;
  - information related to a store where said user terminal is installed, a period of time, a date, a day of the week, and a time elapsed from a predetermined event related to the user using said user terminal taken as a start time (Col. 3, lines 60-64, where the amount of time playing a game dictates whether an advertisement should remain or be changed).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Rashovski to use an advertising database as taught by Spaur because it would have provided an easy way to incorporate and manipulate advertisement data in several different games and game sessions.

With respect to claim 7, Spaur teaches that said user terminal has a sound emitting device that emits sound, said advertising image information additionally includes call information for calling information relating to said product or said service, and further comprising:

- a call control device that controls said sound emitting device to make reference to said call information included in said advertising image information from said advertising image information database, and call out

information relating to the product or service (Col. 3, lines 22-24, where the advertisement may be provided through audio).

5. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rashkovskiy, as applied to claims 1, 2, 6 and 8-9 above, and Official Notice.

With respect to claims 4 and 5, Rashovskiy teaches the advertising system according to claim 1. While Rashovskiy teaches a scoring system related to advertising (Col. 4, lines 53-67), it does not teach a top score ranking system. Official notice is taken that top score ranking systems, including those that display top scores and update the rankings in a database as new players reach top scores, were well known in the art. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Rashovskiy to use a top score ranking system because players would have become engaged in the game by trying to reach a top score, while at the same time playing the game longer and viewing more advertisements.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THEOLOGOS KAFANTARIS whose telephone number is (571) 270-3845. The examiner can normally be reached on Monday-Thursday 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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TGK  
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